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ABSTRACT

Viewing indigenous peoples of the United States as ethnic/racial minorities is a misconception because there is no given ethnicity which might be correctly said to encompass the more than 400 distinctly identifiable ethnicities comprising what is lumped in the catchall category of "Native Americans" and because notions of ethnic/racial minority status fail to convey the sense of national identity by which most or all North American indigenous populations define themselves. Three major premises support the contention that indigenous peoples of North America have constituted and continue to constitute nations in the strictest definition of this term. The "right of inherent sovereignty" doctrine holds that a people constitutes a nation simply because "since time immemorial it has always done so." The fact that the United States government, between 1790 and 1870, willingly entered into 371 treaty relationships with various indigenous peoples in North America corroborates the claim to status as sovereign national entities under the right of inherent sovereignty. The examples of tiny European and Pacific Island nations illustrate that indigenous nations may not be too small to survive in the contemporary international context. The recent history of the North American indigenous struggle must be viewed/understood from this perspective. (NEC)

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The Situation of Indigenous Populations in the United States

A Contemporary Perspective

For presentation at the Second Seminar on the Situation of the Black, Chicano, Cuban, Native American, Puerto Rican, Carribean and Asian Communities in the United States; Havana, Cuba, Dec. 4-6, 1984

Prepared by Ward Churchill, delegate, International Indian Treaty Council

The contemporary situation of the indigenous peoples of the United States (American Indians, Native Americans, Amerindians, etc., in the popular vernacular) is generally misunderstood to be that of ethnic or racial minorities. This is a fundamental misconception in at least two primary ways.

First, there is no given ethnicity which might be correctly said to encompass those who are indigenous to what is now construed as US territorality. Rather, there are at least 400 distinctly identifiable ethnicities comprising what is lumped into the catch-all category of "Native American." Similarly, at least three noticeably different racial divisions prevail within the overall group; persons of the so-called "Athabascan stock" (such as Navajos and Apaches) are as physically different from Iroquoian peoples (Mohawks and Cherokees, for example) as Mongolians are from Arabs.

Second, notions of ethnic or racial minority status fail profoundly to convey the sense of national identity by which most or all North American indigenous populations define themselves. This characteristic, not the factor of ethnicity, is most important in understanding the reality of native North America today. It is this sense of themselves as coherent and viable nations which lends substance and logic to the

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forms of struggle undertaken by these peoples over the past quarter-century.

When we speak of North American indigenous peoples as nationalities, it is essential to understand that the term is not being employed rhetorically, metaphorically or symbolically. To the contrary, it is intended that a precise meaning be imparted. We contend that the indigenous peoples of the North have constituted, and continue to constitute nations in the strictest definition of this term, and we assert this on the basis of three major premises.

1) There is a doctrine within modern international law known as "the right of inherent sovereignty." Basically, this principle holds that a people constitutes a nation simply because, "since time immemorial," it has always done so, ie: from the point of its earliest contact with other peoples or nations the people in question have been know to possess a given territorality, a means of providing its own subsistence, a common language, a structure of self-governance, a form of legality, and means to determine its own membership and social composition.

Such is the case with the various "tribes" indigenous to the North American continent. To posit but one extremely clear example, the Iroquois Confederacy (composed of the Mohawk, Tuscarora, Seneca, Onondaga, Cayaga and Oneida nations) which held—and to some extent still hold—territory in the modern-day state of New York and adjacent areas of Canada, was possessed of a democratic representative governmental system so developed and refined at the point of historic contact with Europeans that Benjamin Franklin acknowledged having adapted it (with a number of corruptive alterations based in class, race and sex) as the model upon which he based the US governmental structure.

The Iroquois "Longhouse" governance mechanism remains intact and functioning to this day. Similarly, the languages of the Confederacy are still commonly spoken, the tradition of legality established by Hiawatha through the "white roots of peace" remains in effect, and the Iroquois nations' means of defining their own membership (including the sovereign prerogative of naturalizing citizenry) has never been abandoned. A number of other indigenous nations exhibit very comparable contemporary characteristics.

2) Conventional understandings if international law and custom restrict treaty-making and treaty relationships to the level in interaction prevailing between nations, in the most technically precise meaning of the latter term. This is reflected in US domestic law at the highest level. Articles I and VI of the US Constitution clearly restrict US treaty-making prerogatives to the federal rather than state, local or individual levels, and assert that the federal government is itself enjoined from entering into treaty relationships other than *fully* sovereign entities (ie: the US federal government is not empowered to legally enter into treaty relations with provincial, state or local governments, or with individuals).

The fact that the United States government, roughly between the years 1790 and 1870, willingly entered into 371 treaty relationships with various indigenous peoples in North America goes far toward corroborating their claim to status as sovereign national entities under the right of inherent sovereignty. It also established beyond all reasonable doubt that these peoples enjoy valid legal claims to sovereign national status under both international and US domestic law. It might be said—perversely under the circumstances in which the indigenous nations of North America now find themselves—that the United States, above all nations or even groups of nations, has gone to the greatest lengths to formally recognize the full legitimacy of their sovereign status. Of such paradoxes are modern international relations born.

3) Of course, it can be argued—and it has been, by US officials and others—that although North American indigenous nations present an impeccable case on moral grounds, and a technically valid legal case as well, pragmatic considerations of "the real world of the 20th Century" preclude actualization of their national autonomy and self-determination. Within this perspective, indigenous nations are too small, both in terms of landbase (and accompanying resources) and in size of population(s), to survive in the contemporary international context.

At first glance, such thinking seems plau-

sible enough, even humane. At second glance, however, it can be seen to overlook the examples of tiny European nations such as Monaco and Lichtenstein who have survived for decades in the midst of the greediest and most warlike continental context in the history of the world. Further, it ignores the fact of even smaller national entities among the islands of the Pacific whose current sovereignty the US not only is willing to acknowledge, but whose recent admission to the United Nations the US willingly endorse. The contradictions here are readily apparent; and mode of thinking at issue is really a veneer, the rationalization "justifying" colonialism and "assimilation" (the contemporary US euphemism for genocide, where indigenous North Americans are concerned).

Closer examination reveals even further inaccuracy within the posture of apologists for present-day US "Indian policy." The Navajo Nation, for example, holds a landbase considerably larger than a number of Caribbean islands—such as Grenada—each of which hold an obvious and unquestionable right to sovereignty and self-determination. The Navajo population is also greater than that of Grenada and a number of other smaller Caribbean islands. In addition, the Navajo Nation possesses an estimated 50 billion tons of low-sulphur coal, approximately 40% of all known "US" reserves of uranium, substantial deposits or oil and natural gas, and assets in diamonds, gold, silver, copper, gypsum and bauxites.* This is aside from a limited, but real grazing and agricultural capability. By any standard of conventional economic definition, the Navajo people hold a relatively wealthy resource posture as compared to most 3rd and 4th World nations, and not a few capitalist ones. To say that Navajo lacks the ability to survive in the modern contest while simultaneously postulating that Grenada has assumed proportions of being a threat to US "national security" as lately as 1984 is to engage in the height of cynicism and absurdity (on both counts).

While Navajo is perhaps the clearest example of the potential for complete autonomy on the part of indigenous nations internal to the US, it is by no means the only one. The combined Lakota reservations possess an aggregate landbase exceeding that of the Navajo and, although they exhibit a somewhat less spectacular range on mineral assets, this seems largely offset by their greater agricultural/grazing potential in combination with a considerably smaller population size. Other, smaller indigenous nations possess landbases entirely adequate to their population sizes and many possess rich economic potentials which vary from mineral assets and agricultural grazing lands to timbering and fishing/aquaculture. Small manufacturing enterprises and even tourism are also viable options in a number of instances.

*Overall indigenous holdings in what the US terms its "energy resource reserves" include some 60% of uranium, 40% of readily strippable low-sulphur coal and perhaps 15% of known oil and natural gas.

Moreover, all this is true even without just resolution of many treaty-based claims lodged by various indigenous nations against the US relative to vast tracts of land and resources which were simply expropriated by the latter (in direct contravention of both domestic and international law), or before indigenous nations begin to truly exercise sovereign prerogatives such as the naturalization of citizens. The Lakota Nation alone, were its 1868 treaty with the United States to be honored by the latter, would find itself in possession of an area amounting to nearly 5% of the 48 contiguous states; naturalization of persons residing within the various treaty areas (and those wishing to place themselves or willing to relocate for purposes of coming under indigenous governance and jurisdiction) might well increase the citizenry of Native North America by several millions.

In combination, these three points explain why we hold that the indigenous peoples of North America retain every right not only by virtue of ethics and morality, but in terms of legality and current viability to conduct their affairs as sovereign nations. The liberation struggle we wage is thus not one extended against the discrimination and class exploitation visited by a dominant society and its bourgeoisie upon ethnic and racial minorities within the United States, although we staunchly oppose these conditions and fully support those who actively resist them. Rather, as

colonized nations we are pursuing strategies and courses or action designed and intended to lead the decolonization *within* a colonizing "mother country." Hence, while we share a common oppressor with our brothers and sisters of African, Latin and Asian origins within the US, the goals, objectives and many of the means of our struggle must be understood in terms necessarily different from theirs. We, "The Indians" of the North and "Los Indios" of the South, of all the people of the Americas, struggle for the liberation of our homelands rather than for the liberation of land upon which to build our homes. We, of all the people of the Americas, engage in our struggles from the basis of our cultures, our freely collective societies born in and long since integral to this hemisphere, rather than struggling to create liberatory cultures allowing the expression of human freedom.

It is from this perspective that the recent history of North American indigenous struggle—the occupation of Alcatraz Island, the Bureau of Indian Affairs Building in Washington, DC, and Wounded Knee, the battles over fishing rights fought by the Nisqually, Suquamish, Lummi and other Northwestern nations, the armed resistance demonstrated on the Pine Ridge Reservation and all the rest—must be viewed and thus correctly understood. It is this understanding by which the sacrifices of our warriors—brothers and sisters such as Buddy LaMont, Byron DeSersa, Pedro Bissonette, Anna Mae Aquash, Joe Stuntz, Tina Trudell, Richard Oaks (all fatalities of the Movement), Leonard Peltier, Dino and Gary Butler (political prisoners), and many others—takes on its true meaning. And it is from this meaning that one can appreciate the substance of the struggles in which we engage at this very moment: the unswerving resistance of some 10,000 traditional Navajo people in the Big Mountain area of Arizona (headed by the true tribal leadership composed of elder women) to US plans to forcibly relocate them from their land in order to stripmine the coal underlying the area. Or, in the Black Hills area of South Dakota, the ongoing occupation of Yellow Thunder Camp, a part of an effort undertaken by traditional Lakata elders and the American Indian Movement to recover Lakota treaty territories. Or the ongoing efforts in the state of Washington by traditional indigenous people to retain their treaty-guaranteed livelihood based upon fishing. Or the struggles, including armed resistance, of the Mohawk people of New York to retain control of their communities and to implement alternative technologies leading to greater self-sufficiency (and corresponding independence from the United States). Many other examples, of course, might be cited to illustrate each of these points.

alternative technologies leading to greater self-sufficiency (and corresponding independence from the United States). Many other examples, of course, might be cited to illustrate each of these points.

At a level broader than the specific and localized confrontations mentioned above, the American Indian Movement continues to wage its struggle against the various mechanisms by which the US government asserts its doctrine of "plenary power" over all North American indigenous nations. This effort can only be understood correctly as a campaign to reinforce and protect the various indigenous sovereignties at issue from a range of US juridical instruments and concomitant policies. Among these, although the illustrative list is hardly exhaustive, are two bits of legislation accruing from the 1880s: the Severalty Act (popularly termed "The Dawes Act") which served to forcibly privatize in 160 acre parcels Indian reservation land which had formerly been held and utilized as collective property, and the so-called "Seven Major Crimes Act" which extended US jurisdiction over all indigenous territories within the US for the first time. Also at issue is the Indian Citizenship Act of 1924, by which the United States unilaterally imposed its citizenship upon all indigenous persons within its borders (without, however, negating the aboriginal citizenship status of these persons; indigenous people were made "dual citizens" of both the US *and* their own original sovereignties). Again, the Indian Reorganization Act of 1934, by which the US created a system of colonial puppet regimes on many reservations in an attempt to supplant traditional indigenous governmental forms, is a major focus of AIM resistance.

At another level still, the international

diplomatic arm of the American Indian Movement—the International Indian Treaty Council, representing some 98 indigenous nations throughout the hemisphere—works continuously to acquaint other nations with the realities of Native American sovereignty. The role of the Treaty Council is not only educational/informative in the international community, but to establish alliances and other forms of working relationships with governments around the world. This goal of creating government-to-government relations is pursued with the utmost seriousness because, in the end, it is through recognition of themselves as fully sovereign entities within the international arena that indigenous people in the Americas perceive the sole possibilities of a just and permanent resolution of the difficulties they now confront.

At this juncture, it becomes both possible and appropriate to pose the question of what concerned persons, organizations and governments might do to assist the indigenous nations of North America in their liberation struggles. At the individual and organizational levels, it seems safe to observe that while the possibilities are myriad and often complex, substantial methods of rendering mutual support have been developed between the indigenist movement and the Black, Chicano, Puerto Rican and Asian communities within the United States and, in some instances, abroad. These must, or course, continue to be strengthened, developed and perfected. However, the prognosis in this regard appears good in many ways.

At the level of governments the situation has been much less thoroughly explored and seems considerably more sensitive. We would certainly not contend that the forms of support and assistance extended by governments such as that of Cuba, or those of other friendly and progressive nations such as Nicaragua, Libya, Vietnam, etc. be military, in terms of trade or the like. Rather, we would suggest that perhaps the single most important—indeed, crucial—sort of direct support which might be provided at the intergovernmental level would be the formal recognition of the sovereign status of the various nations indigenous to US territorality, a welcoming of these nations into the modern international community as peers. There are a wide array of possible routes to such an end, and we are not positing any one of these as being inherently superior to another. Recognition need not be conveyed through summit conferences, meetings of heads of state or via official proclamations; it can be a matter as simple as honoring the passports of indigenous nations for purposes of entering and exiting supportive nations. This, to be sure constitutes a formal recognition of our national sovereignty, and it obviously frees us from an unwarranted dependence upon our colonizer in traveling abroad to pursue our agenda of decolonizing our various nations. This would be a small beginning, no doubt, but nonetheless an important one; it is from precisely such small beginnings that substantial changes in the course of nations can emerge.

In conclusion, allow me to express in behalf both of the International Indian Treaty Council and the traditional governments we represent, our appreciation both to the organizers of this seminar and the delegates who have attended for allowing this forum within which to present this summary of our position. Such opportunities to share information about our struggles are of extreme importance to our ultimate success. We would also like to express our sincere appreciation to the people and government of Cuba for having supported under-peoples struggling for freedom, sovereignty and self-determination in this world.

It is important, vitally important that we continue our common struggles and not lose hope of eventual, final victory over the forces which oppress us all. We must remember that Angola, Mozambique and Guineau Bisseau were colonized by the Portuguese for five hundred years. Five centuries of struggle, and all the pain which comes with such a history, but today the Portuguese have been ejected from each of these places. These countries are now free of colonial rule. Cuba was colonized for more than 400 years; today Cuba is free. The Irish have been colonized for full eight centuries and they are still not decolonized, but today their struggle for liberation continues and, in some ways, it is stronger than ever before. Eventually, the Irish too will be free. And so it is with Puerto Rico

and the Caribbean, with Americans of African descent and those of Chicano and Asian ancestry, as well as those indigenous to the Americas. In the end, each group in its own way and according to its own vision, will be free.
Venceremos!

Postcript: **Note on Internal Colonialism*
The International Indian Treaty Council believes that one of the major problems which has confronted us in attempting to articulate the status of the indigenous nations of this hemisphere has to do with the specific form of colonialism imposed upon us, "internal colonialism." The idea of internal colonialism is undoubtedly somewhat unorthodox. The conventional spectrum of analysis of the phenomenon of colonization ranges from that adopted by the United Nations (which requires definitionally that an ocean separate the colonizer from the colonized in order for a "true" condition of colonization to exist) to that of conventional socialist thinking which, with certain exceptions, subscribes to a less specific though similar sort of interpretation. Internal colonialism does not occur, however, with the more typical forms of exploitation evident under imperialism. Rather, it is the result of a peculiarly virulent form of socio-economic penetration wherein the colonizing country literally exports a sufficient proportion of its population to supplant (rather that enslave) the indigenous population of the colony. Such a method has been termed elsewhere as "settler colonialism." Often under such conditions, the settler population itself revolts at a certain point against the mother country regime and establishes itself as an independent or quasi-independent sovereignty; the indigenous peoples/nations consequestly become colonized entities within a given national territorality rather than subject to the more classic form of colonization from abroad. Aside from the United States, the modern world witnesses several other leading examples of this state of affairs. Among these are Australia and New Zealand, South Africa and, of course, Israel. Also, until that nation was liberated by African revolutionary forces, Rhodesia was at least an aspirant example. Current indications are that the phenomenon of internal colonialism has been dramatically underestimated as a global condition. It requires serious study on the part of progressive intellectuals and governments, as well as the development/implementation of effective ways and means of supporting impacted nationalities as soon as possible.